IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

Crl.Rev.Pet.No. 819 of 2007()

MP.26/2007 of CHIEF JUDL.MAGISTRATE COURT, ERNAKULAM
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REVN. PETITIONER/COMPLAINANT:

JOY ABRAHAM, S/O.ABRAHAM,
P.B.NO.7080, DUBAI, U.A.E. (REPRESENTED BY
HIS CONSTITUTED ATTORNEY RAJENDRA KUMAR. M.,
S/O.M.C. NAMBIAR, MRIDUNGASAILAM, NORTH RAILWAY
STATION ROAD, KOCHI-18.)

BY ADV. SRI.SHAHUL HAMEED MOOPPAN
SRI.K.M.VARGHESE

RESPONDENTS/ACCUSED & STATE:
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1. DIVINE EDUCATIONAL TRUST,
221, 4TH B CROSS, HRBR LAYOUT, 3RD BLOCK,
BANGALORE-560 043, REP. BY ITS
CHAIRMAN, REV.DR.JACOB SEBASTIAN.

2. REV.DR.JACOB SEBASTIAN, 221,
4TH B CROSS, HRBR LAYOUT, 3RD BLOCK,
BANGALORE-560 943.

3. DAVID PAUL, DIVINE EDUCATIONAL TURST,
221, 4TH B CROSS, HRBR LAYOUT,
3RD BLOCK, BANGALORE-560 043.

4. JOSHY MATHEW, DIVINE EDUCATIONAL
TRUST, 221, 4TH B CROSS, HRBR LAYOUT
3RD BLOCK, BANGALORE-560 043.

5. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

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Crl.R.P.819 OF 2007

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Dated this the 6th day of March, 2007

ORDER

Revision petitioner is the complainant under Section 138 of the Negotiable Instruments Act. The court below dismissed the same as the complainant remained absent. It is submitted that on account of an inadvertent omission he could not present on the particular day.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further pursue the matter. The revision petitioner shall appear before the Chief Judicial Magistrate Court, Ernakulam on 27.03.2007.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE

dvs